

## Assembly Bill No. 1586

### CHAPTER 338

An act to add Section 3307.5 to the Government Code, relating to public safety officers.

[Approved by Governor September 7, 1999. Filed with Secretary of State September 7, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1586, Florez. Public safety officers: Procedural Bill of Rights.

The Public Safety Officers Procedural Bill of Rights Act provides that no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

This bill would prohibit a public safety officer from being required by his or her employing public safety department or any other public agency, as a condition of employment, to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if the officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family. The bill would permit the officer to notify the department or agency to cease or desist from that disclosure and to seek an injunction and a civil penalty for unauthorized use after receipt of the notice to cease and desist.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3307.5 is added to the Government Code, to read:

3307.5. (a) No public safety officer shall be required as a condition of employment by his or her employing public safety department or other public agency to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family.

(b) Based upon his or her reasonable belief that the disclosure of his or her photograph or identity as a public safety officer on the Internet as described in subdivision (a) may result in a threat, harassment, intimidation, or harm, the officer may notify the department or other public agency to cease and desist from that disclosure. After the notification to cease and desist, the officer, a district attorney, or a United States Attorney may seek an injunction

prohibiting any official or unofficial use by the department or other public agency on the Internet of his or her photograph or identity as a public safety officer. The court may impose a civil penalty in an amount not to exceed five hundred dollars (\$500) per day commencing two working days after the date of receipt of the notification to cease and desist.

